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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

March 1, 1993

VIA HAND DELIVERY

Ms. Donna R. Searcy
Secretary
Federal Communications Commission
1919 M Street, N.W.
Stop Code 1170
Room 222
Washington, D.C. 20554

Re: MM Docket No. 92-305, In the Matter of Amendment of the
Rules Relating to Permissible Uses of the Vertical
Blanking Interval of Broadcast Television Signals

Dear Ms. Searcy:

Enclosed herewith for filing in the referenced proceeding
are the original and five (5) copies of the Initial Comments of
A. C. Nielsen Company. Also enclosed herewith is a completed
Record Image Processing System form to accompany the filing.

Please direct any questions regarding the enclosed Comments
to the undersigned.

Respectfully submitted,

Kevin S. DiLallo
Kevin S. DiLallo

Enclosures

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and syndicated programs. Nielsen's national ratings are compiled from two principal sources of information: 1) "people meters" located in monitored homes, which note the stations to which television receivers are tuned at specific times and the demographic characteristics of the persons watching television during those times; and 2) Nielsen's Automated Measurement of Line-Ups ("AMOL") System, which identifies and analyzes stations' program line-ups as broadcast during the monitored time periods. Without either of these two elements, the preparation and compilation of ratings information would not be possible.

2. The AMOL System, as authorized by the FCC, uses source identification ("SID") codes implanted on lines 20 or 22 of the signals transmitted with nationally televised programming, both commercial and noncommercial, network and syndicated. The codes identify, among other things, the program's originating source and the date and time of origination. Once implanted, the codes are delivered with the program to the station and are broadcast by licensees pursuant to Section 73.682(a)(21) of the Commission's Rules, 47 C.F.R. § 73.682(a)(21) (1992).^{1/}

^{1/} Section 73.682(a)(21) states in pertinent part:

The interval beginning with line 17 and continuing through line 20 of the vertical blanking interval of each field may be used for the transmission of . . . identification signals, subject to the conditions and restrictions set forth below. . . . Identification signals may be transmitted to identify the broadcast material or its source, and the date and time of its origination.

3. After transmission, the AMOL codes are read, either just prior to the broadcast of the programs or as they are broadcast, through special receivers located by Nielsen in the communities served by the respective stations. The reading of the AMOL SID Codes, together with the information regarding the programs furnished by the program suppliers and the people meters, provides Nielsen with the information necessary to prepare its national ratings. The encoding and transmission of Nielsen's AMOL codes has been a widely accepted practice in the broadcast industry for over 15 years, involving more than 790 local affiliates of the four major networks in some 220 markets.

4. The FCC has long recognized that ratings services provided by organizations such as Nielsen, and the transmission of SID codes in support of those services, are in the public interest because they are important to the broadcast industry generally, Permitting Transmission of Program-Related Signals in the Vertical Blanking Interval of the Standard Television Signal, 43 Fed. Reg. 49331, 49333 (Oct. 23, 1978) (citing Program Identification Patterns, 43 F.C.C.2d 927, 944 (1973)), and to the free television networks in particular, TV Visual Transmissions for Program Identification, 22 F.C.C.2d 536, 545 (1970). Such codes and the ratings produced therefrom are "important . . . to many entities involved in producing the programs which [a] station broadcasts," without which a station's operation would be seriously undermined. Id.

II. **Regarding Line 19, Industry Members Will Continue to Work Together to Establish GCR Transmission and Reception Standards and the Commission Should Avoid the Temptation to Establish Priority Among Alternative Uses of the Spectrum.**

5. Nielsen generally supports the Commission's proposal to reserve line 19 of the VBI for ghost cancelling reference ("GCR") signals. In fact, Nielsen specifically supports the Commission's tentative decision to accept the ATSC/industry-backed selection of the Philips Laboratory GCR system's parameters as the standard for GCR transmitting equipment and systems. The Philips system has been laboratory tested with Nielsen's AMOL transmission system, and these tests indicate that neither system will interfere with the other's use of the spectrum.

6. Moreover, with regard to "other potential problems that may be associated with the implementation of the GCR reference signal on line 19," NPRM at ¶ 15, the Commission should take great comfort in the ATSC process used to test and propose the use of the Philips GCR system. The industry cooperation manifested in the ATSC process should lead the Commission to rely upon such industry-initiated efforts, rather than regulatory intervention, to resolve other issues that might arise in the future.

7. For example, it is possible that future GCR-related equipment, such as decoder/receivers, might not differentiate adequately the GCR signals on line 19 from other information transmitted on adjacent lines, thus undermining the efficiency of

the GCR system. Nielsen reaffirms its willingness to work with manufacturers of GCR transmission and reception equipment to test their product with the AMOL system to assure mutual compatibility, just as Nielsen worked with Philips to test its line 19 GCR system. More onerous resolutions requiring the Commission's involvement -- such as, for example, designating one use as "primary" over, or "secondary" to, another -- are unnecessary given the industry's willingness and ability to resolve conflicts, as manifested in the ATSC/industry testing and proposal of the Philips system. The Commission's resources and authority would be far more appropriately spent establishing a reception and decoding standard that would ensure compatibility of alternative uses of adjacent lines of the VBI, than making value judgments about which uses are better for the public -- particularly when the possibility of accommodating all uses exists.

III. Regarding Line 21: The Commission Need Not Designate Authorized Uses of Line 22 "Secondary" to the Use of Line 21, Field 2 for Closed Captioning

8. Nielsen strongly supports the Commission's proposal to expand the authorized uses of line 21, field 2 to include closed captioning and extended data services. This portion of the TV picture is virtually unused today for its designated purposes. If the Commission's proposal were adopted, it might nevertheless be used to provide millions of television viewers with services they cannot now enjoy. As with its efforts in connection with ATSC's proposal for line 19, Nielsen and other members of the industry actively participated in EIA's efforts in connection with its

proposed extended use of line 21, field 2, in an effort to ensure that proposed extended data services on line 21 and uses of adjacent lines, such as Nielsen's use of line 22 to transmit SID codes in connection with the preparation of ratings, would not interfere with one another. Nielsen and, as manifested by the industry support of EIA's proposal, other members of the industry will undertake similar efforts in the future to avoid any unanticipated conflicts between uses of line 21 and adjacent lines. The Commission's suggestion to relegate uses of line 22 to a secondary status with respect to line 21 uses is therefore totally unnecessary and inappropriate.

9. Nielsen's use of line 22 to transmit AMOL codes was authorized by the Commission through its Letter Authorizations issued on November 22, 1989 and extended on May 1, 1990 and November 8, 1990. See letters from Roy J. Stewart, Chief, Mass Media Bureau, to Grier C. Raclin dated November 22, 1989, May 1, 1990, and November 8, 1990. As the Commission itself noted in the NPRM, NPRM at ¶10, Nielsen's AMOL codes have been transmitted on line 22 of programming broadcast by local licensees since that time without a single instance of objectional interference being reported to Nielsen or claimed by the Commission. In light of this unblemished record, there simply is no basis for the Commission to conclude that conflicts will arise between the use of lines 21 and 22, thus justifying designating the use of one line as "primary" over the other.^{2/} Any effort by the Commission to "fix"

^{2/}Moreover, because both line 21, field 2 and line 22 are both part of the "active" video signal, no grounds exist for making a distinction on the basis that active line uses should predominate over uses of the VBI.

anticipated conflicts between adjacent line users, by designating certain uses as "primary" over others before any evidence of such conflicts arises, especially in light of the absence of conflicts in the years of concurrent use of both lines 21 and 22, would be premature and a waste of valuable Commission resources.

10. In any case, there is no adequate basis for preferring closed captioning on line 21 to Nielsen's use of line 22 in connection with the preparation of ratings. There is no question but that closed captioning has been recognized by Congress to be in the national interest. See Television Decoder Circuitry Act of 1990, Pub. L. No. 101-431, 104 Stat. 960 (Oct. 15, 1990), § 2 (codified at 47 U.S.C. § 303 note). But Congress likewise has recognized that a system of free broadcasting also is in the national interest, Cable Television Consumer Protection and Competition Act of 1992, Pub. L. No. 102-385, 106 Stat. 1460 (Oct. 5, 1992), at § 2(a)(12), 106 Stat. 1461, and has implicitly recognized that the integrity of ratings -- which might be undercut by relegating SID Codes to "secondary" status -- are an important underpinning of that system. See 47 U.S.C. §614(b)(9) (1993); Report of the Committee on Energy and Commerce, H.R. Rep. No. 628, 102nd Congress, 2nd Sess., 95 (1992); Report of the Senate Committee on Commerce, Science and Transportation, S. Rep.. No. 92, 102nd Cong., 1st Sess. 86 (1991). The Commission is neither authorized nor well equipped to make determinations as to which national interest is more compelling, especially when no need for such determinations exist, and thus should not undertake the

unnecessary exercise of determining one non-conflicting use to be "primary" over the other.

Respectfully submitted,

A.C. NIELSEN COMPANY

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Dated: March 1, 1993

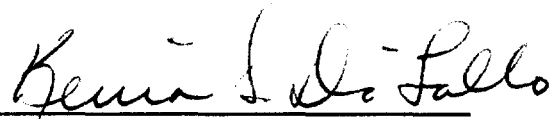
CERTIFICATE OF SERVICE

I, Kevin S. DiLallo, hereby certify that on this 1st day of March, 1993, a true and correct copy of the foregoing "Comments of A.C. Nielsen Company" was sent by first-class mail, postage prepaid, to:

James C. McKinney
Chairman
United States Advanced Television
Systems Committee
1776 K Street, N.W.
Suite 300
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and

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